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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,506	04/30/2001	Thomas Brockmann	606-16-PA	2090

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[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2875

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/845,506	BROCKMANN ET AL.
	Examiner Sharon E. Payne	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 February 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 is/are rejected.

7) Claim(s) 2-10 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 10 February 2003 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Drawings***

1. The proposed drawing correction filed on 10 February 2003 has been disapproved because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v). (The changes to Fig. 6 are not shown in red or otherwise highlighted.)

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0563483 A2 (hereinafter "Strand Lighting").

Regarding claim 1, Strand Lighting discloses a light source arranged at one end of a housing having a light beam exit aperture at the opposite end thereof (Fig. 1), the light source and aperture being arranged generally concentric with a longitudinal or optical axis of the housing (Fig. 1), light beam influencing means (reference numbers 132a and 132b) comprising at least one beam shaping blade that is adjustable to shape the periphery of a light beam emitted by the light source so as to form the light beam into a selected one of a plurality of geometric shapes (Fig. 3), and a light influencing element selected from the group consisting of a lens, an iris and a pattern or gobo, for influencing the light beam emitted by the light source and being arranged along the path of the light beam along the longitudinal axis through the

housing from the light source to the aperture (iris, reference number 28, Fig. 2), and adjustment means operatively associated with each beam shaping blade (see handles on reference numbers 132a and 132b) for adjusting the position of its associated beam-shaping blade relative to the longitudinal axis (Fig. 3), each adjustment means being arranged for rotation around the longitudinal axis (Fig. 3) and being connected to its associated beam-shaping blade such that rotation of the adjustment means around the longitudinal axis adjusts the position of the associated beam-shaping blade relative to the longitudinal axis (Fig. 3).

*Strand* Concerning claim 8, Strand Lighting discloses radial adjustment means for adjusting the *blade* position of the *blade* radially relative to the axis (the handle on the blade, Fig. 3), and circumferential adjustment means for adjusting the position of the blade circumferentially around the axis (the handle on the blade, Fig. 3).

#### ***Allowable Subject Matter***

4. Claims 2-7 and 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter.

1) Regarding claim 2, the contents of claim 1 are disclosed by Strand Lighting while Zander discloses the annular body. However, these references are not combinable because they do not suggest each other.

2) Concerning claim 3, the outer rim as described in the claim is disclosed by Zander, but Zander and Strand Lighting are not combinable because these references do not suggest each other.

3) Regarding claim 4, the drive wheel is disclosed by Zander and Sawyer discloses the electrical motor. However, Strand Lighting and Zander do not suggest each other.

4) Concerning claim 5, Zander discloses the gear, but Strand Lighting and Zander are not combinable for the reasons discussed above.

5) Regarding claim 6, Czarnikow et al. discloses the position indicating means. However, Strand Lighting and Czarnikow et al. are not combinable because they do not suggest each other.

6) Concerning claim 7, Sawyer discloses the remote sensing means, but Strand Lighting and Sawyer are not combinable because they do not suggest each other.

7) Concerning claim 9, Diggins discloses the co-centrical rings. However, Strand Lighting and Diggins are not combinable because the references do not suggest each other.

8) Regarding claim 10, Diggins discloses the two arms as described in the claim. However, Strand Lighting and Diggins are not combinable for the reasons discussed above.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

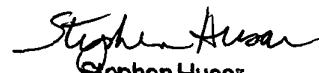
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (703) 308-2125. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

sep  
April 22, 2003

  
Stephen Husar  
Primary Examiner